

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686	Date:	Petition No.
	Fee Paid:	Jurisdiction:
	1 st Hearing:	2 nd Hearing:
	Publication Dates:	
	Notices Mailed:	

Rezone, Special Exception and Variance
APPLICANT INFORMATION

1	Name of property owner(s):
2	Owner mailing address:
3	Name of applicant(s) if other than owner
4	Applicant mailing address:
	E-mail address:
5	Name of contact person (state relationship):
6	Contact person daytime phone(s):

PROPERTY INFORMATION

7	Property address/directions to property:
8	Describe current use of property:
9	Describe improvements on property (number/type buildings, dwelling units , occupied or vacant, etc. Source of potable water: Method of sewage disposal:
10	Approx. acreage: Is property in a platted subdivision?
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe:
12	Is a pending sale of the property subject to this application being granted?
13	Describe uses on adjoining property to the North: North: East: South: West:
14	Existing zoning: Future Land Use classification:
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (<input type="checkbox"/>)No (<input type="checkbox"/>)Yes. If yes provide date, petition number and nature of approval.
16	Request is for: (<input type="checkbox"/>) Rezone (<input type="checkbox"/>) Special Exception (<input type="checkbox"/>) Variance
17	Parcel Identification Number:

REQUIRED ATTACHMENTS	
18	Applicant's statement of interest in property:
19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
20	Last recorded warranty deed:
21	Notarized letter of consent from property owner (if applicant is different from property owner)
22	Three property surveys (one no larger than 11x17) containing: a. Certified boundary survey, date of survey, surveyor's name, address and phone number b. Legal description of property pertaining to the application c. Computation of total acreage to nearest tenth of an acre
23	List of surrounding property owners with addresses and location sketch of the subject property. See the Information Request Form from the Okeechobee Property Appraiser's Office (attached)
24	Affidavit attesting to completeness and correctness of the list (attached)
25	Completed specific application and checklist sheet for each request checked in line 15

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

Date

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820

**Affidavit Attesting to the Completeness and Accuracy
of the List of Surrounding Property Owners**

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of _____, _____ and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this _____ day of _____, _____.

Signature of Applicant

Date

Name of Applicant (printed or typed)

State of Florida
County of Okeechobee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 20____, by _____, who is personally known to me or produced _____ as identification.

Notary Public Signature,
State of Florida

Seal:

Commissioned Notary Name



Okeechobee County Property Appraiser's Office
Information Request Form for the
City of Okeechobee

Property Owner Name(s)

Parcel Identification Number

Contact Person Name

Contact Person Phone Number

Contact Person Email Address

Requested Items Needed By

Project Type (Circle One or Check Box)

Rezoning

Special Exception

Items Needed:

Location map 100' surrounding property from the outermost portion of subject property. Surrounding property owners mailing addresses 300' from the outermost portion of subject property.

Items Needed:

Location map 100' surrounding property from the outermost portion of subject property. Surrounding property owners mailing address 300' from the outermost portion of subject property.

Variance

Future Land Use Map Amendment

Items Needed:

Location map 100' surrounding property from the outmost portion of subject property. Surrounding property owners mailing address 300' from the outermost portion of subject property.

Items Needed:

Location map 100' surrounding property from the outermost portion of subject property

Abandonment Right-of-Way / Alley Closing

Items Needed:

Location map 100' surrounding property from the outmost portion of subject property. Surrounding property owners mailing address 300' from the outermost portion of subject property.

Information is provided by the Okeechobee County Property Appraisers Office. You may hand deliver this request form or fax it to the following attention:

Okeechobee County Property Appraisers Office
307 N.W. 5th Avenue, Suite A
Okeechobee, Florida 34972
Phone: (863) 763-4422
Fax: (863) 763-4745

CITY OF OKEECHOBEE
55 SE 3RD AVENUE
OKEECHOBEE, FL 34974
 TELE: 863-763-3372 FAX: 863-763-1686
LAND USE POWER OF ATTORNEY

Name of Property Owners:		
Mailing Address:		
Home Telephone:	Work:	Cell:
Property Address:		
Parcel ID Number:		
Name of Applicant:		
Home Telephone:	Work:	Cell:
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>		
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS _____ DAY OF _____ 20____.</p>		
_____	_____	
OWNER	WITNESS	
_____	_____	
OWNER	WITNESS	
<p>The foregoing instrument was acknowledged before me by means of <input type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this _____ day of _____, 20____, by _____, (Name of Person) who is personally known to me or produced _____ as identification.</p>		
		Seal:
<p>_____ NOTARY PUBLIC SIGNATURE STATE OF FLORIDA</p>		
<p>_____ Commissioned Notary Name</p>		

ADDITIONAL INFORMATION REQUIRED FOR A REZONING	
A	Current zoning classification: _____ Requested zoning classification _____
B	Describe the desired permitted use and intended nature of activities and development of the property?
C	Is a Special Exception necessary for your intended use? (<input type="checkbox"/>) No (<input type="checkbox"/>) Yes If yes, briefly describe:
D	Is a Variance necessary for your intended use? (<input type="checkbox"/>) No (<input type="checkbox"/>) Yes If yes, briefly describe:
E	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the rezoning or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips and level of service on all adjacent roadway links with and without the project.
F	Responses addressing the required findings for granting a rezoning or change in Land Development Regulations as described below. Attach additional sheets as necessary.

**FINDINGS REQUIRED FOR GRANTING A REZONING
OR CHANGE IN LAND DEVELOPMENT
REGULATIONS (Sec. 70-340, LDR page CD70:16)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed rezoning is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that:

1. The proposed rezoning is not contrary to Comprehensive Plan requirements.
2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.
3. The proposed use will not have an adverse effect on the public interest.
4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.
5. The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.

Findings required for rezoning or change in land development regulations (cont.)

6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood

7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services

8. The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

9. The proposed use has not been inordinately burdened by unnecessary restrictions.

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above criteria and offer a recommendation for approval or denial.

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought:
B	Are there similar uses in the area? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, briefly describe them:
C	If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building:
D	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the special exception or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips, and level of service on all adjacent roadway links with and without the project.
E	Responses addressing the standards and required findings for a special exception as described below. Attach additional sheets as necessary.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION [Sec. 70-373(b), LDR page CD70:19]

Applicants are required by Sec. 70-373(b) to address the following issues in his/her presentation before the Board of Adjustment. Staff strongly recommends that the Applicant include, in his/her application, materials that address each of these issues in order to allow Staff and the Board of Adjustment sufficient time to adequately consider the Applicant's request.

1. Demonstrate that the proposed location and site are appropriate for the use.

2. Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood, or explain why no specific design efforts are needed.

3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.

4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems.

5. Demonstrate how the utilities and other service requirements of the use can be met.

6. Demonstrate how the impact of traffic generated will be handled, off site and on site.

FINDINGS REQUIRED FOR GRANTING A SPECIAL EXCEPTION [Sec. 70-373(c), LDR pages 19 & 20]

It is the Applicant's responsibility to convince the Board of Adjustment that approval of the proposed special exception is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the Board of Adjustment to find that:

1. The use is not contrary to the Comprehensive Plan requirements.
2. The use is specifically authorized as a special exception use in the zoning district.
3. The use will not have an adverse effect on the public interest.
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above standards and required findings and offer a recommendation for approval or denial.

NOTE: AN APPROVAL OF A SPECIAL EXCEPTION EXPIRES IF A BUILDING PERMIT APPLICATION HAS NOT BEEN SUBMITTED WITHIN TWO YEARS OF THE APPROVAL [Sec. 70-348(4)]

ADDITIONAL INFORMATION REQUIRED FOR A VARIANCE	
A	Describe the Variance sought:
B	Describe the physical characteristics of the property that make the variance necessary:
C	Did you or a previous owner of the property cause or contribute to the characteristic necessitating the variance: (<input type="checkbox"/>)No (<input type="checkbox"/>)Yes If yes, explain:
D	What specifically is the minimum variance necessary and explain why a lesser variance is not adequate.
E	Attach a site plan showing the buildings, structures and other improvements or characteristics of the site and the location of the specific variance(s) sought.
F	Responses addressing the standards and required findings for the granting of a variance as described below Attach additional sheets as necessary.

STANDARDS FOR GRANTING A VARIANCE

[(Sec. 70-374(b), LDR page CD70:20)]

Applicants are required by Sec. 70-374(b) to address the following issues in his/her presentation before the Board of Adjustment. Staff strongly recommends that the Applicant include, in his/her application, materials that address each of these issues in order to allow Staff and the Board of Adjustment sufficient time to adequately consider the Applicant's request.

1. Demonstrate that the variance is needed to overcome a hardship caused by the unique physical conditions of the site *[and not merely for economic reasons or the convenience of the applicant].*

2. Specify the minimum variance required including height, lot area, size of structure, size of yard, setback, buffer or open space. *[Applicant should explain why the requested variance is the minimum necessary to overcome the hardship.]*

FINDINGS REQUIRED FOR GRANTING A VARIANCE

[Sec. 70-374(c) , pages CD70:20 & 21 in the LDRs]

It is the Applicant's responsibility to convince the Board of Adjustment that approval of the proposed variance is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the Board of Adjustment to find that:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved, and are not applicable to other land or structures in the same zoning district.

2. The special conditions and circumstances do not result from actions of the applicant.

3. Literal interpretation and enforcement of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning districts under the terms of the Land Development Code, and would work unnecessary and undue hardship on the applicant.

4. The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land or structure.

5. Granting the variance request will not confer on the applicant any special privilege(s) that is (are) denied by the Land Development Code to other land or structures in the same zoning district.

6. Granting the variance will be compatible with the intent and purpose of the Land Development Code, and the variance will not be injurious to the neighborhood or detrimental to the public welfare.

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above standards and required findings and offer a recommendation for approval or denial.

NOTE: AN APPROVAL OF A VARIANCE EXPIRES IF A BUILDING PERMIT APPLICATION HAS NOT BEEN SUBMITTED WITHIN TWO YEARS OF THE APPROVAL [Sec. 70-348(4)]